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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 10/708,336 | 02/25/2004 | Christopher Scott Lindsey | | 2335 |

41998 7590 07/09/2008
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| EXAMINER |
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SWEARINGEN, JEFFREY R

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2145

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| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

07/09/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

| | | | |
|------------------------------|--|---|--|
| Office Action Summary | Application No. 10/708,336 | Applicant(s) LINDSEY, CHRISTOPHER SCOTT | |
| | Examiner Jeffrey R. Swearingen | Art Unit 2145 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Based on Applicant's remarks and the telephonic interview conducted with the Examiner, the election is withdrawn provisionally pending a search for potential allowable subject matter.
2. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.
3. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al. (US 5,715,823).
6. In regard to claim 1, Wood disclosed *a method for extending the viewing capability of current, traditional Medical Computer Imaging systems to a standard World Wide Web browser for authorized*

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users; without the need for a digitizing device or elaborate computer workstation system. Wood's abstract teaches "a medical ultrasonic diagnostic imaging system...which is capable of being accessed over data communication networks such as the Internet, making the ultrasonic images, diagnostic reports, and ultrasound system diagnostics information and operation accessible to a conventional personal computer using commercially available software at virtually any remote location...mak[ing] it possible for physicians to remotely access, control, and perform diagnoses using their ultrasound systems over a network such as the World Wide Web with no special hardware requirements." Wood, column 9, lines 40-65 presents a Web system where ultrasound information can be accessed over a Web pages. Patient reports are accessed in Wood, column 6, lines 10-40. Diagnostics can be performed in Wood, column 6, lines 41-58.

7. In regard to claim 2, Wood disclosed *a method for implementing a Filmless and Paperless medical scan procedure which complements the current, traditional Medical Computer Imaging systems.* The ultrasound system for Wood is described in column 5, lines 6-22.

8. In regard to claim 3, Wood disclosed *a method for providing the capabilities of: remote diagnosis, remote dictation, remote transcription, and remote report release of images/studies performed with current, traditional Medical Computer Imaging systems by standardizing the formats and protocols used for these tasks to standards and protocols used in standard World Wide Web browsers.* Wood utilizes the Hypertext Transport Protocol, which is a standard protocol used in standard World Wide Web browsers. See Wood, column 3, lines 18-24. Multiple formats are presented in column 5, lines 1-5.

9. In regard to claim 4, Wood disclosed *a method for providing controlled, private access to images/studies and corresponding reports of current, traditional Medical Computer Imaging systems by utilizing secure World Wide Web access over the Internet; or by utilizing circuit-switched, dial-up, or leased communication lines.* The network utilized such as the WWW, Internet, or modem, is described in column 3, lines 34-36.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Applicant may wish to review these other patents when filing the response.

12. Doyle et al. US 5,838,906

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13. Doyle discloses an internet browser used to access information on a remote server, such as MRI and CAT scans.

14. Wood et al. US 5,851,186

15. This is another patent describing Wood's ultrasound system.

16. Callahan et al. US 5,949,491

17. This is an ultrasound imaging system. The patient information and images are accessible over the Internet.

18. Argiro et al. US 5,986,662

19. Argiro describes another medical imaging system in 3-D, posting reports and images for retrieval using a web browser over the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

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/J. R. S./
Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145